

CERTIFICATE OF MAILING

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to the Commissioner for Patents, P.O.Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below.

September 13, 2005  
Date

Jack R. Buckley  
Jacki R. Buckley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1745  
Examiner : Gregg Cantelmo  
Applicant : James Xixian Wu  
Appln. No. : 10/638,849  
Filing Date : August 11, 2003  
Confirmation No. : 4449  
For : ALKALINE ELECTROCHEMICAL CELL HAVING A NON-CRIMPED CLOSURE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

NOTICE OF APPEAL FROM THE PRIMARY  
EXAMINER TO THE BOARD OF PATENT  
APPEALS AND INTERFERENCES

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed June 13, 2005 finally rejecting claims 1-4, 6 and 7.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of:

☒ other than a small entity  
☐ small entity

Verified Statement

☐ attached  
☐ previously submitted on

09/19/2005 HARDELRI 00000026 10638849  
01 FC:1401  
500.00 0P

Applicant : James Xixian Wu  
Appln. No. : 10/638,849  
Page : 2

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 35 USC §41(a)(6) the fee for filing the Notice of Appeal is:

<u>      </u>	small entity	\$250.00
<u>  X  </u>	other than a small entity	\$500.00

Notice of Appeal fee due: \$500.00

**3. EXTENSION OF TIME**

*(complete (a) or (b) as applicable)*

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136 apply.

(a)        Applicant petitions for an extension of time under 37 C.F.R. §§41.37(e) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<u>      </u> one month	\$120.00	\$60.00
<u>      </u> two months	\$450.00	\$225.00
<u>      </u> three months	\$1020.00	\$510.00

Fee: \$

**If an additional extension of time is required please consider this a petition therefor.**

(b)   x   Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee:	<u>\$500.00</u>
Extension fee (if any):	\$

Total Fee Due: \$500.00

Applicant : James Xixian Wu  
Appln. No. : 10/638,849  
Page : 3

**5. FEE PAYMENT**

  x   Attached is a check in the sum of \$500.00

       Charge Account No. 16 2463 the sum of \$  
A duplicate of this transmittal is attached.

**6. FEE DEFICIENCY**

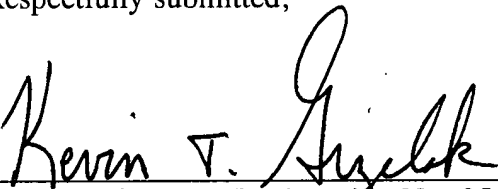
  x   If any additional extension and/or fee is required charge Account No. 16 2463.

and/or

  x   If any additional fee for claims is required, charge Account No. 16 2463.

Respectfully submitted,

September 13, 2005.  
Date

  
Kevin T. Grzelak, Registration No. 35 169  
Price, Heneveld, Cooper, DeWitt & Litton, LLP  
695 Kenmoor, S.E.  
Post Office Box 2567  
Grand Rapids, Michigan 49501  
(616) 949-9610

KTG/jrb